

J. Russell Farrar  
William N. Bates  
Kristin Ellis Berexa  
Teresa Reall Ricks  
Molly R. Cripps  
Mary Byrd Ferrara\*  
Robyn Beale Williams  
Jennifer Orr Locklin  
Keith F. Blue  
Christopher J. Larkin\*\*

\*Also licensed in KY  
\*\*Also licensed in AL

LAW OFFICES  
FARRAR & BATES, L.L.P.

211 Seventh Avenue North  
Suite 420  
Nashville, Tennessee 37219  
Telephone 615-254-3060  
Facsimile 615-254-9835  
E-Mail fblaw@farrar-bates.com

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of Counsel

H. LaDon Baltimore

2004 DEC -9 PM 2:50

T.R.A. DOCKET ROOM

December 9, 2004

Honorable Pat Miller, Chairman  
Tennessee Regulatory Authority  
ATTN: Sharla Dillon, Dockets  
460 James Robertson Parkway  
Nashville, TN 37243-5015

Re: Petition of Frontier Telecommunications, Inc. for Declaratory Ruling, Docket No. 04-00379

Dear Chairman Miller

It has come to my attention that we inadvertently neglected to attach the referenced Exhibits 1 and 2 to the Answer and Motion to Dismiss of Ben Lomand Rural Telephone Cooperative, Inc. filed yesterday in the above-referenced matter. I am enclosing the original and 13 copies of these exhibits as well as the original and 13 copies of this cover letter, and do apologize for any inconvenience.

Thank you for your assistance. If you have questions, please do not hesitate to contact me.

Sincerely,



H. LaDon Baltimore  
Attorney for Ben Lomand Telephone  
Cooperative, Inc.

LDB/dcg  
Enclosures  
cc: Guilford Thornton, Jr., Esq

**GULLETT, SANFORD, ROBINSON & MARTIN**

230 FOURTH AVENUE, NORTH, 3RD FLOOR  
POST OFFICE BOX 198888  
NASHVILLE, TENNESSEE 37219-8888

TELEPHONE (615) 244-4994  
FACSIMILE (615) 266-6339

GARETH S. ADEN  
G. RHEA BUCY  
GEORGE V. CRAWFORD, JR.  
A. SCOTT DERRICK  
THOMAS H. FORRESTER  
M. TAYLOR HARRIS, JR.  
LINDA W. KNIGHT  
JOEL M. LEEMAN  
ALLEN D. LENTZ  
JOSEPH MARTIN, JR.  
JUSTIN T. MILAM  
JEFFREY MOBLEY  
BARBARA J. MOSS

WM. ROBERT POPE, JR.  
WAYNE L. ROBBINS, JR.  
JACK W. ROBINSON, JR.  
JACK W. ROBINSON, SR.  
VALERIUS SANFORD  
WESLEY D. TURNER  
JOHN KNOX WALKUP  
ANNE D. WATERS

JOHN D. LENTZ  
OF COUNSEL  
B. B. GULLETT  
1902-1982

June 21, 1995

**VIA HAND DELIVERY**

Paul Allen  
Executive Director  
Tennessee Public Service Commission  
460 James Robertson Parkway  
Nashville, TN 37243

Re: Application of AVR, L.P., d/b/a Hyperion of Tennessee, L.P.;  
Docket No. 94-00661

Dear Mr. Allen:

This letter is written to correct what could be a misunderstanding of the this applicant's position with respect to the territory served by telephone cooperatives. Footnote 4 on page 5 of the Amended and Supplemental Application of this applicant states:

Part of Sumner County is served by North Central Telephone Cooperative and this Commission has no jurisdiction to award certificates in the territory served by cooperatives and Hyperion seeks no authority in that territory.

This applicant recognizes that this Commission has no jurisdiction to grant authority to operate in the territory of telephone cooperatives, which are expressly excluded from the definition of "public utility" in T.C.A. § 65-4-101; and the Commission's jurisdiction over which is expressly limited by T.C.A. § 65-29-130. In addition, T.C.A. § 65-29-102 provides "that there shall be no duplication of service where reasonably adequate telephone service is available." Therefore, this applicant is not seeking authority in such territories.

To make that clear, footnote 4 should be changed to read:

Part of Sumner County is served by North Central Telephone Cooperative; parts of Wilson and Rutherford Counties are served by DeKalb Telephone Cooperative; part of Rutherford County is served by Ben Lomand Rural Telephone Cooperative; and parts of other counties are served by these and other telephone cooperatives. This Commission has no jurisdiction to award certificates in

**EXHIBIT**

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GULLETT, SANFORD, ROBINSON & MARTIN

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the territories served by telephone cooperatives and  
Hyperion seeks no authority in such territory.

Copies of this letter are being served on counsel for parties of record.

Yours very truly,

  
Val Sanford

VS:vh  
cc: Counsel of Record  
Bill Wiginton

LAW OFFICES

GULLETT, SANFORD, ROBINSON & MARTIN

230 FOURTH AVENUE, NORTH, 3RD FLOOR  
POST OFFICE BOX 198888  
NASHVILLE TENNESSEE 37219-8888

TELEPHONE (615) 244-4984  
FACSIMILE (615) 256-6339

GARETH S. ADEN  
EDWARD T. BRADING  
G. RHEA BUCY  
GEORGE V. CRAWFORD, JR.  
A. SCOTT DERRICK  
THOMAS H. FORRESTER  
M. TAYLOR HARRIS, JR.  
LINDA W. KNIGHT  
JOEL M. LEEMAN  
ALLEN D. LENTZ  
JOSEPH MARTIN, JR.  
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JEFFREY MORLEY  
BARBARA J. MOSS

WM. ROBERT POPE, JR.  
WAYNE L. ROBBINS, JR.  
JACK W. ROBINSON, JR.  
JACK W. ROBINSON SR.  
VALERIUS SANFORD  
WESLEY D. TURNER  
JOHN KNOX WALKUP  
ANNE D. WATERS

JOHN D. LENTZ  
OF COUNSEL

B. D. GULLETT  
1908-1997

May 15, 1995

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MAY 15 1995

Honorable Bill Purcell  
Majority Leader  
18A Legislative Plaza  
Nashville, TN 37243

Re: Senate Bill 891, House Bill 695

Dear Representative Purcell:

After reviewing the revised amendment we got from your office Friday afternoon, we have the following suggestions:

1. Restate subsection (c) of Section 3 on page 2:

(c) "Telecommunications Service Provider" means any Incumbent Local Exchange Telephone Company and any individual or entity, offering or providing for hire, in Tennessee intrastate commerce, under and subject to the regulatory authority of the Commission, any telecommunications service, telephone service, telegraph service, paging service, or communications service similar to such services unless otherwise exempted from this definition by state or federal law.

Or an alternative:

(c) "Telecommunications Service Provider" means any Incumbent Local Exchange Telephone Company and any individual or entity, operating in Tennessee intrastate commerce pursuant to a certificate of convenience and necessity, or other authority, issued by the Commission, offering or providing for hire, any telecommunications service, telephone service, telegraph service, paging service, or communication service similar to such services unless otherwise exempted from this definition by state or federal law.

Or another alternative:

(c) "Telecommunications Service Provider" means an Incumbent Local Exchange Telephone Company and any individual or entity operating in Tennessee intrastate commerce pursuant to a

*See Page 2 III  
Coops Exempt  
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certificate of convenience and necessity issued by the Commission, or pursuant to the approval by the Commission of a franchise within Section 6 of this Act, offering or providing for hire, any telecommunications service, telephone service, telegraph service, paging service, or communications service similar to such services unless otherwise exempted from this definition by state or federal law.

Note that under these alternatives:

- (i) All incumbents would be included whether or not holding certificates;
- (ii) Interexchange carriers holding certificates would be included;
- (iii) Companies holding franchises pursuant to Section 6 of the Act, on approval under T.C.A. § 65-4-107 would be included;
- (iv) Coops would continue to be excluded;
- (v) The scope would be confined to Tennessee intrastate commerce consistent with T.C.A. § 65-4-103.

As previously pointed out, the present language may be construed as having the effect of negating what is given in Section 6, i.e., excluding from the definition those franchisees excluded from Part 2 of Chapter 4 by T.C.A. § 65-4-207. Any of the above alternatives would be consistent with Section 6 and would clarify the scope of the definition.

2. As the attached copy indicates, an amendment was approved in the Senate deleting the word "only" as it appears in new Section 65-5-209(c) of the bill, i.e., in the 7th line on page 13 of this revision. We suggest that it is appropriate to conform to the Senate Amendment. "Only" is unduly restrictive. Note that the other change made by this Amendment was made in the revision.

3. As formerly stated, subsection (g) on pages 15 and 16 of this revision, in the last two sentences, used the term "notice of objection." In this revision, the term used is "notice of complaint." We suggest that to avoid confusion and the implication that some new procedure was intended, that the words "notice of" be stricken. Thus, the last two sentences of subsection (g) on pages 15 and 16 should read:

Upon filing by a Competing Telecommunications Service Provider of a complaint, such rate adjustment shall become subject to Commission review of the adjustment's compliance with the provisions of this Act and rules promulgated under this Act. The Commission shall stay the adjustment of rates and enter a final order, modifying or rejecting such adjustment within thirty (30) days of the filing of such a complaint.

(4)

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Again, we want to thank you for your efforts in connection with this significant legislation. We will be pleased to answer any questions or further explain these suggested changes.

Yours very truly,

  
Val Sanford

VS:vh